

ESTTA Tracking number: **ESTTA141498**

Filing date: **05/21/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176023
Party	Plaintiff Elie Tahari Elie Tahari ,
Correspondence Address	Bret J. Danow Katten Muchin Rosenman LLP 575 Madison Avenue New York, NY 10022 UNITED STATES bret.danow@kattenlaw.com
Submission	Motion for Summary Judgment
Filer's Name	Bret J. Danow
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Signature	/s/
Date	05/21/2007
Attachments	TAFARI.PDF (28 pages)(1179856 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Elie Tahari,

Opposer,

v.

PraJah Enterprises, Inc.,

Applicant.

Opposition No. 91,176,023

**Mark: TAFARI HEALTH &
FITNESS CLUB**

Serial No.: 78/813,893

APPLICANT'S MOTION FOR SUMMARY JUDGMENT; AND BRIEF

Opposer, Elie Tahari, hereby moves for a summary judgment in this Opposition proceeding, on the ground that the TAFARI component of the TAFARI HEALTH & FITNESS CLUB mark depicted in U.S. Trademark Application Serial No. 78/813,893, filed February 14, 2006 is likely to be confused with Opposer's family of federally registered TAHARI marks. This motion is being filed prior to the November 21, 2007 opening of the of the Testimony Period for Opposer.

BRIEF IN SUPPORT OF MOTION

I. Undisputed Facts

The following facts are undisputed:

1. Opposer is a world renowned designer, manufacturer, licensor and retailer of wearing apparel and accessories sold under his federally and internationally registered TAHARI name and mark, with a presence on five continents and in more than six hundred U.S. stores.
2. Since as early as 1978, Opposer has used the TAHARI business and trade names, service marks and trademarks for, on and in connection with the business of designing, manufacturing, marketing and selling wearing apparel and accessories. Opposer advertises and promotes TAHARI products extensively through many forms of media, including, but not limited to, advertisements in nationally and internationally circulated publications, in printed and electronic catalogs, at trade shows throughout the world, and on the internet at his www.elietahari.com and www.tahari.com web sites.

3. Opposer is the owner of, among others, the following U.S. federal trademark registrations for its TAHARI mark (collectively, the "TAHARI Registrations"):

- U.S. Trademark Registration No. 1,489,405 for the mark TAHARI, issued May 24, 1988 for "women's high fashion designer blouses, skirts and suits, in International Class 025", and reciting a date of first use of June 7, 1978.
- U.S. Trademark Registration No. 1,814,977 for the mark TAHARI, issued January 4, 1994 for "women's high fashion designer blouses, skirts and suits; jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses, shirts, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts, in International Class 025", and reciting a date of first use of June 7, 1978.
- U.S. Trademark Registration No. 2,653,216 for the mark ELIE TAHARI, issued November 26, 2002 for "apparel, namely women's high fashion design blouses, skirts and suits; jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses, shirts, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts; lingerie, overcoats and children's clothing, namely dresses, skirts, blouses, jackets, pants, shirts, blazers, pullovers, cardigans, overalls and socks, in International Class 025", and reciting a date of first use of February 1, 2000.
- U.S. Trademark Registration No. 3,091,292 for the mark STUDIO TAHARI, issued May 9, 2006 for "apparel, namely women's high fashion design blouses, skirts and suits; women's jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses, shirts, socks, leggings, capri pants, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts; lingerie, overcoats; and children's clothing, namely dresses, skirts, blouses, jackets, pants, shirts, blazers, pullovers, cardigans, overalls and socks, in International Class 025", and reciting a date of first use of February 1, 2006.

Copies of each of the TAHARI Registrations from the U.S. Patent and Trademark Office's TARR web site are attached hereto as Exhibit A.

4. Opposer is also the owner of, among others, the following U.S. federal trademark applications for its TAHARI mark (collectively, the "TAHARI Applications", and together with the TAHARI Registrations, Opposer's "TAHARI Family of Marks"):

- U.S. Trademark Application Serial No. 78/711,720 for the mark TAHARI, filed September 13, 2005 for "apparel, namely women's jackets, pants, dresses, skirts, suits, sweaters, jumpsuits, blouses, shirts, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts, lingerie overcoats, scarves and swimsuits; children's clothing, namely swimsuits; men's clothing, namely belts, pants, slacks, jeans, jackets, sports jackets, sports coats, blazers, sweaters, knit sweaters, t-shirts, sport shirts, dress shirts, socks and swimsuits; outerwear, namely vests, jackets, scarves and coats; women's footwear, namely espadrilles, shoes with wedge heels, mules, clogs, flip flops, pumps, sandals, dress shoes, sneakers, boots; men's footwear, namely sneakers, sandals, boots, dress shoes and moccasins; children's footwear, namely dress shoes, sneakers,

boots and sandals; women's, men's and children's headgear, namely headbands, hats, berets and caps, in International Class 025.”

- U.S. Trademark Application Serial No. 78/882,695 for the mark TAHARI, filed May 12, 2006 covering, among other things, “lingerie, overcoats and children’s clothing, namely, dresses, skirts, blouses, jackets, pants, shirts, suits, blazers, pullovers, cardigans, overalls and socks.”

Copies of each of the TAHARI Applications from the U.S. Patent and Trademark Office’s TARR web site are attached hereto as Exhibit B.

5. Opposer’s TAHARI Family of Marks are valid and subsisting, in full force and effect, and the TAHARI Registrations are conclusive evidence of Opposer’s right to use said mark in commerce on and in connection with the goods specified in said registrations.

6. On February 14, 2006, long after the adoption and use by Opposer of the TAHARI Family of Marks, Applicant filed an application seeking to register the mark TAFARI Health & Fitness Club for use on and in connection with “socks, underwear, t-shirts, shirts, pants, track suits, headband, wristband, tank-tops, hats, in International Class 025” (the “TAFARI Application”). The TAFARI Application was assigned Serial No. 78/813,893 by the U.S. Patent and Trademark Office.

7. The TAFARI Application disclaims exclusive right to use the phrase “Health & Fitness Club” apart from the mark as shown.

8. The TAFARI Application covers goods in the same International Class as the TAHARI Family of Marks.

9. The goods set forth in the TAFARI Application are substantially identical to those set forth in the TAHARI Registrations and TAHARI Applications.

II. The Likelihood of Confusion Between the Applicant’s Mark and the Opposer’s Marks Entitles Opposer to Summary Judgment.

A. The Legal Standard

A party moving for summary judgment is entitled to such a judgment if the evidence relevant to the motion shows “that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Fed. R. Civ. P. 56(c). Where appropriate, summary judgment is “a salutary method of disposition,” which promotes judicial economy by avoiding an unnecessary trial. *See, e.g., Levi Strauss & Co. v. Genesco, Inc.*, 742 F.2d 1401, 222 USPQ 939 (Fed. Cir. 2004); *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 222 USPQ 741, 743 (Fed. Cir. 1984).

While the moving party has the burden of demonstrating the absence of any genuine issue of material fact and that it is entitled to judgment as a matter of law, such burden need not always be supported by evidence, but can be met by pointing out “that there is an absence of evidence to support the nonmoving party’s case.” *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). The non-

moving party may not rest on mere denials or conclusory assertions, but rather must proffer countering evidence showing that there is a genuine factual dispute for trial. Fed. R. Civ. P. 56(e); *Ocotocom Sys. Inc. v. Houston Computer Serv. Inc.*, 918 F.2d 937, 16 USPQ2d 1783 (Fed. Cir. 1990). Here, there are and can be no genuine factual issues or disputes for trial. Therefore, a Motion for Summary Judgment is appropriate for these Opposition proceedings.

The evidentiary record in an inter partes proceeding before the Board includes, without action by any party, the file of any registration which is the subject of the proceeding. 37 CFR § 2.122(b).

B. Argument

1. Likelihood of Confusion.

The two part test to determine whether there is a likelihood of confusion between marks was set forth in *In re Dupont de Nemours & Co., Inc.*, 476 F.2d 1357(C.C.P.A. 1973). The first part of the test looks at the marks themselves for similarities in appearance, sound, connotation and commercial impression, and the second part of the test requires that goods or services offered under the marks be compared to determine if they are related such that confusion is likely. Under both parts of the *Dupont* test, Applicant's the mark depicted in the TAFARI Application is likely to be confused with Opposer's Family of TAHARI Marks.

In assessing the degree of similarity between two marks, courts typically compare the marks at issue with respect to similarities in sight, sound and meaning. *See Sleeper Lounge Co. v. Bell Mfg. Co.*, 253 F.2d 720, 722, 117 U.S.P.Q. 117 (9th Cir. 1958). In determining the question of likelihood of confusion, it is appropriate to "give greater weight to the important or dominant parts of a composite mark, for it is that which may make the greatest impression on the ordinary buyer." *See J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition*, §23:42 at 176 (4th Ed.)). Here, the important or dominant parts of the marks at issue are TAHARI and TAFARI.

a. The marks look alike (sight).

In applying the first part of the "sight, sound and meaning" test, there can be no doubt that the source-identifying components of the marks at issue, namely TAHARI and TAFARI, are confusingly similar.

Although the mark depicted in the TAFARI Application is not identical to the TAHARI Family of Marks, such fact does not obviate a likelihood of confusion. Specifically, "exact similitude is not required between the allegedly confusing marks.... It is sufficient that enough be taken to deceive the public in the purchase of the protected [goods or services]." *See J. McCarthy, Trademarks and Unfair Competition* § 23:20 at 109 (4th Ed.).

The Courts have established a precedent of finding a likelihood of confusion between two marks that are different by only one letter. For example, in *Am. Distilling Co. v. Bellows & Co.*, 102 Cal. App. 2d 8, 226 P.2d 751, 88 U.S.P.Q. 254 (1951), the Court found that there was a likelihood of confusion between the mark BELLOWS and FELLOWS.

Moreover, the fact that the TAFARI Application contains the disclaimed words “Health & Fitness Club” does not obviate the likelihood of confusion. It is a well established tenet of trademark law that a subsequent user of a trademark may not avoid likely confusion by appropriating another’s entire mark and adding descriptive or non-distinctive matter such as “Health & Fitness Club” to it. *See* J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, §23:50 at 203 (4th Ed.).

b. The marks sound alike (sound).

In determining whether two marks sound alike, the Court has stated that “[t]he question is whether the pronunciation of the sound [of the challenged mark] generates an auditory response that calls to mind or may be confused with the sound [of the Cited Mark].” *Bell Lab. Inc. v. Colonial Prods. Inc.*, 644 F. Supp. 542 (S.D. Fla. 1986). Here, there can be no doubt that the aural characteristics and pronunciation of the marks TAHARI and TAFARI at issue are confusingly similar.

In the Answer to the Notice of Opposition filed by Applicant, Applicant argued that the TAFARI mark has a distinct pronunciation. *See* Answer at 6. However, Courts have traditionally rejected the argument that marks do not sound alike when properly pronounced, holding that “it is absolutely impossible for [a] defendant to control the pronunciation which the trade would give the word.” *See* J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, §23:50 at 203 (4th Ed.) (quoting *Pocono Rubber Cloth Co. v. J.A. Livingston, Inc.*, 79 F.2d 446 (3d Cir. 1935)).

Applying the rule that there is no “correct” pronunciation of a trademark, the T.T.A.B. held that the marks LEGO and MEGO for confusingly similar, rejecting the applicant’s argument that the MEGO mark for toys would be pronounced “mee-go” rather than “meg-o” which is closer to opposer’s “lego” mark. *Interlego AG v. Abrams/Gentile Entertainment Inc.*, 63 U.S.P.Q.2d 1862, 2002 WL 31039614 (TTAB 2002).

Applying this same rule, there can be no doubt that the TAFARI mark sounds confusingly similar to the TAHARI mark.

c. Relatedness of Goods.

The goods offered by the respective parties need not be identical in order to find a likelihood of confusion; rather they need only be related in some manner such that they could give rise to a mistaken belief that they come from a common source. *See On-line Careline Inc. v. America Online Inc.*, 229 F.3d 1080, 56 U.S.P.Q.2d 1471 (Fed. Cir. 2000).

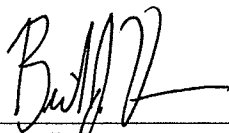
Here, there can be no doubt that the goods intended to be offered under the TAFARI Application and the goods offered under the TAHARI Family of Marks are related. Each of the TAFARI Application and the TAHARI Family of Marks cover apparel in International Class 25. Moreover, many of the apparel items identified in the TAFARI Application are duplicative of items identified in the TAHARI Registrations and the TAHARI Applications.

III. Conclusion

Accordingly, there is no genuine issue as to any material fact and Opposer is entitled to a judgment as a matter of law. Therefore, for the foregoing reasons, Opposer respectfully requests that the Notice of Opposition be sustained.

Dated: May 21, 2007

Respectfully submitted,

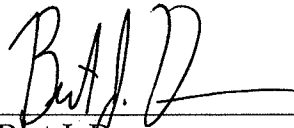
By: 
Bret J. Danow
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(212) 940-6365

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the Opposer's Motion for Summary Judgment and Brief in Opposition No. 91,176,023 to be served upon:

Mr. Jahlani Akil
Chief Executive Officer
PraJah Enterprises, Inc.
1918 Kemp Road
Marietta, Georgia 30066

by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 21st day of May, 2007.



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(212) 940-6365

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-04-19 14:38:39 ET

Serial Number: 73416765 Assignment Information

Registration Number: 1489405

Mark

TAHARI

(words only): TAHARI

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 1993-09-27

Filing Date: 1983-03-10

Transformed into a National Application: No

Registration Date: 1988-05-24

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1995-02-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TAHARI, ELIE

Address:

TAHARI, ELIE
860 FIFTH AVENUE

NEW YORK 10021

Legal Entity Type: Individual**Country of Citizenship:** United States

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

WOMEN'S HIGH FASHION DESIGNER BLOUSES, SKIRTS AND SUITS

Basis: 1(a)**First Use Date:** 1978-06-07**First Use in Commerce Date:** 1978-06-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-22 - Attorney Revoked And/Or Appointed

2006-12-22 - TEAS Revoke/Appoint Attorney Received

1993-09-27 - Section 8 (6-year) accepted & Section 15 acknowledged

1993-06-14 - Section 8 (6-year) and Section 15 Filed

1988-05-24 - Registered - Principal Register

1988-03-01 - Published for opposition

1988-02-01 - Notice of publication

1988-01-11 - Approved for Pub - Principal Register (Initial exam)

1988-01-11 - Assigned To Examiner

1987-05-29 - Letter of suspension mailed

1987-04-13 - Communication received from applicant

1987-03-31 - Inquiry as to suspension mailed

1987-03-31 - Assigned To Examiner

1986-09-24 - Letter of suspension mailed
1986-08-04 - Communication received from applicant
1986-03-21 - Inquiry as to suspension mailed
1984-07-24 - Letter of suspension mailed
1984-06-27 - Assigned To Examiner
1984-05-16 - Communication received from applicant
1983-11-15 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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Fax Number: (212) 940-8671

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This page was generated by the TARR system on 2007-04-19 14:38:54 ET

Serial Number: 74316529 Assignment Information

Registration Number: 1814977

Mark

TAHARI

(words only): TAHARI

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-02-25

Filing Date: 1992-09-23

Transformed into a National Application: No

Registration Date: 1994-01-04

Register: Principal

Law Office Assigned: LAW OFFICE 10

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-02-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TAHARI, ELIE

Address:

TAHARI, ELIE
860 Fifth Avenue

New York, NY 10021

United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

women's high fashion designer blouses, skirts and suits; jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses, shirts, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and T-shirts

Basis: 1(a)

First Use Date: 1978-06-07

First Use in Commerce Date: 1978-06-07

ADDITIONAL INFORMATION

Prior Registration Number(s):

1489405

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-02-25 - First renewal 10 year

2004-02-25 - Section 8 (10-year) accepted/ Section 9 granted

2004-01-02 - Combined Section 8 (10-year)/Section 9 filed

2000-04-04 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-12-23 - Section 8 (6-year) and Section 15 Filed

1994-01-04 - Registered - Principal Register

1993-10-12 - Published for opposition

1993-09-10 - Notice of publication

1993-08-07 - Approved for Pub - Principal Register (Initial exam)

1993-07-22 - Communication received from applicant

1993-03-22 - Letter of suspension mailed

1993-03-05 - Communication received from applicant

1993-01-28 - Non-final action mailed

1992-12-21 - Assigned To Examiner

1992-12-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

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Correspondent

AMY B. GOLDSMITH

GOTTLIEB RACKMAN & REISMAN, P.C.

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NEW YORK, NY 10016

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Serial Number: 76042918 Assignment Information

Registration Number: 2653216

Mark (words only): ELIE TAHARI

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-11-26

Filing Date: 2000-05-08

Transformed into a National Application: No

Registration Date: 2002-11-26

Register: Principal

Law Office Assigned: LAW OFFICE 108

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Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-01-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Tahari, Elie

Address:

Tahari, Elie
16 Bleeker Street
Millburn, NJ 07041
United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

APPAREL, NAMELY WOMEN'S HIGH FASHION DESIGN BLOUSES, SKIRTS AND SUITS; JACKETS, SKIRTS, PANTS, DRESSES, SUITS, SWEATERS, JUMPSUITS, BLOUSES, SHIRTS, COATS, VESTS, BUSTIERS, BELTS, RAINCOATS, JEANS, BODYSUITS AND T-SHIRTS; LINGERIE, OVER-COATS AND CHILDREN'S CLOTHING, NAMELY DRESSES, SKIRTS, BLOUSES, JACKETS, PANTS, SHIRTS, BLAZERS, PULLOVERS, CARDIGANS, OVERALLS AND SOCKS

Basis: 1(a)

First Use Date: 2000-02-01

First Use in Commerce Date: 2000-02-01

ADDITIONAL INFORMATION

Prior Registration Number(s):

1489405

1814977

1978572

1979893

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-22 - Attorney Revoked And/Or Appointed

2006-12-22 - TEAS Revoke/Appoint Attorney Received

2006-08-09 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-08-09 - TEAS Change Of Owner Address Received

2002-11-26 - Registered - Principal Register

2002-09-03 - Published for opposition

2002-08-14 - Notice of publication

2002-02-14 - ITU claim deleted

2001-08-28 - Approved for Pub - Principal Register (Initial exam)

2001-08-23 - Communication received from applicant

2000-10-27 - Non-final action mailed

2000-10-13 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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Serial Number: 78448472 Assignment Information

Registration Number: 3091292

Mark

STUDIO TAHARI

(words only): STUDIO TAHARI

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-05-09

Filing Date: 2004-07-09

Transformed into a National Application: No

Registration Date: 2006-05-09

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-03-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Tahari, Elie

Address:

Tahari, Elie

16 Bleeker Street

Millburn, NJ 07041

United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

Apparel, namely women's high fashion design blouses, skirts and suits; women's jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses, shirts, socks, leggings, capri pants, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts; lingerie, over-coats; and children's clothing, namely dresses, skirts, blouses, jackets, pants, shirts, blazers, pullovers, cardigans, overalls and socks

Basis: 1(a)

First Use Date: 2006-02-01

First Use in Commerce Date: 2006-02-01

ADDITIONAL INFORMATION

Disclaimer: STUDIO

Prior Registration Number(s):

1489405

2866297

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-22 - Attorney Revoked And/Or Appointed

2006-12-22 - TEAS Revoke/Appoint Attorney Received

2006-05-09 - Registered - Principal Register

2006-03-30 - Law Office Registration Review Completed

2006-03-24 - Assigned To LIE

2006-03-20 - Allowed for Registration - Principal Register (SOU accepted)

2006-03-20 - Statement of use processing complete

2006-03-02 - Amendment to Use filed

2006-03-02 - TEAS Statement of Use Received

2005-10-04 - Notice of allowance - mailed
2005-07-12 - Published for opposition
2005-06-22 - Notice of publication
2005-04-12 - Law Office Publication Review Completed
2005-03-29 - Approved for Pub - Principal Register (Initial exam)
2005-03-18 - Examiner's Amendment Entered
2005-03-17 - Assigned To LIE
2005-03-11 - EXAMINERS AMENDMENT E-MAILED
2005-03-11 - Examiners Amendment -Written
2005-02-16 - Non-final action e-mailed
2005-02-16 - Non-Final Action Written
2005-02-14 - Assigned To Examiner
2004-07-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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Correspondent

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Fax Number: (212) 940-8671

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Serial Number: 78711720 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

TAHARI

(words only): TAHARI

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2007-01-09

Filing Date: 2005-09-13

The Notice of Allowance Date is: 2007-01-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
THOMAS SARA NICOLE Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2007-01-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Tahari, Elie

Address:

Tahari, Elie
16 Bleeker Street
Millburn, NJ 07041
United States

Legal Entity Type: Individual

Country of Citizenship: United States

Phone Number: (212) 684-3900

Fax Number: (212) 684-3999

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

APPAREL, NAMELY WOMEN'S JACKETS, PANTS, DRESSES, SKIRTS, SUITS, SWEATERS, JUMPSUITS, BLOUSES, SHIRTS, COATS, VESTS, BUSTIERS, BELTS, RAINCOATS, JEANS, BODYSUITS AND T-SHIRTS, LINGERIE OVERCOATS, SCARVES AND SWIMSUITS; CHILDREN'S CLOTHING, NAMELY SWIMSUITS; MEN'S CLOTHING, NAMELY BELTS, PANTS, SLACKS, JEANS, JACKETS, SPORTS JACKETS, SPORTS COATS, BLAZERS, SWEATERS, KNIT SWEATERS, T-SHIRTS, SPORT SHIRTS, DRESS SHIRTS, SOCKS AND SWIMSUITS; OUTERWEAR, NAMELY VESTS, JACKETS, SCARVES AND COATS; WOMEN'S FOOTWEAR, NAMELY ESPADRILLES, SHOES WITH WEDGE HEELS, MULES, CLOGS, FLIP FLOPS, PUMPS, SANDALS, DRESS SHOES, SNEAKERS, BOOTS; MEN'S FOOTWEAR, NAMELY SNEAKERS, SANDALS, BOOTS, DRESS SHOES AND MOCCASINS; CHILDREN'S FOOTWEAR, NAMELY DRESS SHOES, SNEAKERS, BOOTS AND SANDALS; WOMEN'S, MEN'S AND CHILDREN'S HEADGEAR, NAMELY HEADBANDS, HATS, BERETS AND CAPS

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1489405

1814977

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-01-09 - Notice of allowance - mailed

2006-12-22 - Attorney Revoked And/Or Appointed

2006-12-22 - TEAS Revoke/Appoint Attorney Received

2006-10-17 - Published for opposition

2006-09-27 - Notice of publication
2006-08-29 - Law Office Publication Review Completed
2006-08-25 - Assigned To LIE
2006-08-16 - Approved for Pub - Principal Register (Initial exam)
2006-07-27 - Amendment From Applicant Entered
2006-07-03 - Communication received from applicant
2006-07-03 - PAPER RECEIVED
2006-01-06 - Non-final action e-mailed
2006-01-06 - Non-Final Action Written
2005-12-29 - Assigned To Examiner
2005-09-21 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Karen Artz Ash, Esq.

Correspondent

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575 Madison Avenue
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Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 78882695 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

TAHARI

(words only): TAHARI

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2007-04-17

Filing Date: 2006-05-12

The Notice of Allowance Date is: 2007-04-17

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:

OH WON TEAK Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2007-04-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TAHARI, ELIE

Address:

TAHARI, ELIE
16 Bleeker Street
Millburn, NJ 07041
United States
Legal Entity Type: Individual
Country of Citizenship: United States
Phone Number: (212) 684-3900
Fax Number: (212) 684-3999

GOODS AND/OR SERVICES

International Class: 003**Class Status:** Active

PERFUMES, EAU DE COLOGNE, EAU DE TOILETTE; COSMETICS, NAMELY LOOSE FACE POWDER, PRESSED FACE POWDER, FOUNDATION MAKE-UP, LIPSTICKS, EYE SHADOW, BLUSHER, MASCARA, EYELINER, EYE PENCILS, LIP PENCILS, LIP BALM, LIP GLOSS, LIPSTICK; FACIAL MOISTURIZING SKIN CREAM, BODY MOISTURIZING SKIN CREAM, CLEANSING CREAM; BODY LOTION, FACE LOTION, NAIL ENAMEL, NAIL POLISH, NAIL POLISH REMOVER, HAIR SHAMPOOS, HAIR CONDITIONER AND HAIR RINSES

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 009**Class Status:** Active

SUNGLASSES, EYEGLASSES, EYEGLASS FRAMES AND EYEGLASS CASES

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 014**Class Status:** Active

JEWELRY, CLOCKS AND WATCHES

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 016**Class Status:** Active

DIARY AND ADDRESS BOOK COVERS

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 018**Class Status:** Active

LEATHER GOODS, NAMELY HANDBAGS, PURSES, KEY CASES, WALLETTS, TOTE BAGS, COSMETIC BAGS SOLD EMPTY, BACKPACKS, FANNY PACKS; LUGGAGE AND UMBRELLAS

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 024

Class Status: Active

HOME FURNISHINGS, NAMELY BED SHEETS, TOWELS, BED BLANKETS, COMFORTERS, PILLOWCASES AND CURTAINS

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 025

Class Status: Active

LINGERIE, OVERCOATS AND CHILDREN'S CLOTHING, NAMELY DRESSES, SKIRTS, BLOUSES, JACKETS, PANTS, SHIRTS, SUITS, BLAZERS, PULLOVERS, CARDIGANS, OVERALLS AND SOCKS

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1489405

1814977

2681767

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-04-17 - Notice of allowance - mailed

2007-01-23 - Published for opposition

2007-01-03 - Notice of publication

2006-12-22 - Attorney Revoked And/Or Appointed

2006-12-22 - TEAS Revoke/Appoint Attorney Received

2006-12-05 - Law Office Publication Review Completed

2006-12-04 - Assigned To LIE

2006-11-15 - Approved for Pub - Principal Register (Initial exam)

2006-10-30 - Teas/Email Correspondence Entered

2006-10-23 - Communication received from applicant

2006-10-23 - TEAS Response to Office Action Received

2006-10-23 - Examiner's Amendment/Priority Action E-Mailed

2006-10-23 - Examiners Amendment And/Or Priority Action - Completed

2006-10-16 - Assigned To Examiner

2006-05-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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